



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

MATTHEW R. JORGENSEN

Dated: August 13, 2002

Serial No. : 09/253,110

Our File: JRE 301

Filed : February 19, 1999

Group Art Unit: 3724

For : SAWDUST COLLECTION HOOD FOR TABLE SAW

Commissioner for Patents
BOX NON-FEE RESPONSES
Washington, D.C. 20231

RECEIVED

AUG 20 2002

OFFICE OF PETITIONS

Sir:

COMMUNICATION SUPPORTING
PETITION FOR REVIVAL UNDER 37. C.F.R. 1.137(b)

This Communication accompanies a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b).

The above-identified patent application was abandoned on December 12, 2000 for failure to properly respond to the Office action dated September 12, 2000. On December 12, 2000, applicant's prior attorney of record filed a continuation patent application for the specific purpose of continuing prosecution of the '110 application. Applicant did not find out until June 25, 2002 that the Patent Office would refuse to grant applicant the filing date of December 12, 2000, thereby causing loss of copendency and applicant's ability to continue prosecuting from the '110 application. Applicant received a filing receipt from the Patent Office (copy attached) indicating a filing date of December 12, 2000. Applicant then transferred the new application to Kolisch Hartwell Dickinson McCormack & Heuser, and filed a Revocation and Reappointment of Power of Attorney in the U.S. Patent and Trademark Office (USPTO) on June 4, 2001.

Examination of the case began and applicant's attorney had several interviews with the Examiner regarding the merits of the application. Applicant then received a Notice of Incomplete Nonprovisional Application dated January 30, 2002 from the USPTO stating that the above application had not been accorded a filing date because the application was deposited without drawings. Applicant filed a response on March 13, 2002 arguing that the original drawings were incorporated by reference in the continuation application. On June 25, 2002 the Patent Office dismissed applicant's petition disagreeing that the drawings were properly incorporated by reference, and accorded the application a new later filing date of March 25, 2002. Consequently, applicant's applications did not copend for purposes of 35 U.S.C. § 1.20. Therefore, applicant is petitioning to revive and filing a Notice of Appeal for Application Serial No. 09/253,110.

The U.S. Patent and Trademark Office is authorized to charge any deficiencies, or credit any overpayments, to Deposit Account No. 11-1540.

Respectfully submitted,

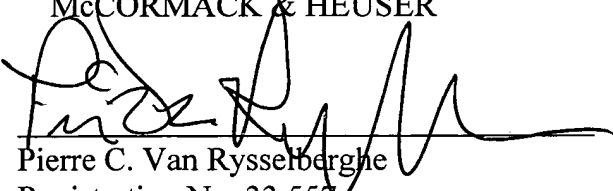
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, BOX FEE RESPONSES, Washington, D.C. 20231 on August 13, 2002.

Mandi M. Leighty
Mandi M. Leighty



KOLISCH HARTWELL DICKINSON
McCORMACK & HEUSER


Pierre C. Van Rysselberghe
Registration No. 33,557
Customer No. 23581
Of Attorneys for Applicant
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679



#12 / DAC

PTO/SB/64 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
JRE 301

First named inventor: Matthew R. Jorgensen

Application No.: 09/253,110

Art Unit: 3724

Filed: February 19, 1999

Examiner: S. Choi

Title: SAWDUST COLLECTION HOOD FOR TABLE SAW

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

RECEIVED
AUG 20 2002
OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 640 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Communication / Notice of Appeal (identify type of reply):

☐ has been filed previously on _____.
☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been paid previously on _____.
☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

08/20/2002 AWDNDAF1 00000013 09253110

01 FC:241

640.00 DP

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

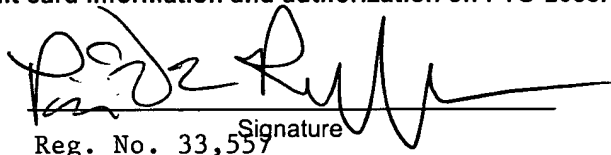
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

August 13, 2002

Date

Telephone
Number: (503) 224-6655


Reg. No. 33,557

Pierre C. Van Rysselberghe

Typed or printed name

520 S.W. Yamhill Street, Suite 200

Address

Portland, Oregon 97204

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

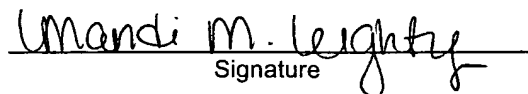
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

8-13-02

Date


Signature

Mandi M. Leighty

Type or printed name of person signing certificate